

Migrant Rights Database

Results from the Pilot Study

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Agenda

- 1) Timeline of Rights
- 2) Methods
- 3) Results
- 4) Policy Implications

Early State of Rights

1989

“International law plays no real role in shaping migration policy and practice. Migration policy [i]s often regarded as the last major redoubt of unfettered national sovereignty.”

- Philip Martin

Global Transformations

2000

Increasing relevance of international human rights regime, the standards of which frame and check state power.

“A legally driven process of self-limited sovereignty.”

- Virginie Guiraudon

Rights Endowed

2003

States have already circumscribed themselves by ratifying “a fairly detailed—even if not comprehensive—set of legal rules, multilateral conventions, and bilateral agreements that constrain and channel state authority over migration.”

- Alex Aleinikoff (2003)

International Migrants Bill of Rights

2011

Consolidates the key rights of migrants based on the current patchwork of international law and standards

23 core articles drawn from core human rights treaties

IMBR.info

New York Declaration

2016

“...ensure full respect and protection for their human rights and fundamental freedoms”...“in transit and after arrival.”

“Declaration and its appendices... to be implemented in a manner that is consistent with the rights and obligations of States under international law.”

The Global Compacts

2018

What is the extent to which rights are protected across states? Emphasis on data collection.

If we knew the answer, it would be easier to identify a common baseline of protections, and identify the areas where protections can be enhanced.

Methods

65 binary indicators, based on IMBR indicators

Independent coders, double-blind

Applicable to any national legal structure


5 pilot countries (GER, MEX, RUS, ZAF, TUR)



Sample Questions:

LIBERTY


Does the national law allow migrants to appeal legality, conditions, or length of detention?



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FAMILY


Does the national law require that a migrant demonstrate the ability to meet certain resource conditions (such as income, insurance, residence, etc.) for family reunification?



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Coders cite statute and case law for full transparency and replicability

CATEGORY
(number of indicators)

Vulnerable Migrants (3)

Life (3)

Liberty (6)

Legal Personhood (4)

Due Process (4)

Victims of Crime (2)

Expulsion, Asylum, and Non-Refoulement (8)

Nationality (5)

Family (4)

Freedom of Thought, Conscience, and Religious Belief (1)

Freedom of Opinion and Expression (2)

Freedom of Peaceful Assembly and Association (2)

Civil and Political Life (2)

Labor (12)

Health (4)

Education (2)

Equal Protection (1)

AGGREGATE MEAN
(65 indicators)

CATEGORY (number of indicators)	Germany	Mexico	Russia	South Africa	Turkey
Vulnerable Migrants (3)	0.667	1	0.333	1	1
Life (3)	0.333	1	0.333	1	0.333
Liberty (6)	0.667	0.667	0.833	0.667	0.667
Legal Personhood (4)	0.750	0.500	0.875	0.875	0.750
Due Process (4)	0.750	0.500	0.750	0.750	0.750
Victims of Crime (2)	1	1	0.500	0.500	1
Expulsion, Asylum, and Non-Refoulement (8)	0.813	0.929	0.571	0.786	0.714
Nationality (5)	0.900	0.800	0.900	0.900	0.700
Family (4)	0.625	0.750	0	0.625	0.375
Freedom of Thought, Conscience, and Religious Belief (1)	1	1	1	1	1
Freedom of Opinion and Expression (2)	1	1	1	1	1
Freedom of Peaceful Assembly and Association (2)	0	0.500	0.500	1	0.5
Civil and Political Life (2)	0	0	0	0	0
Labor (12)	0.729	0.625	0.729	0.708	0.792
Health (4)	0.500	0.500	0.500	0	0
Education (2)	0.500	1	0.5	0	0
Equal Protection (1)	1	1	1	1	0
AGGREGATE MEAN (65 indicators)	0.691	0.723	0.657	0.734	0.664

Implications for the Global Compacts

What standards are already present across many national legal frameworks and what standards are largely absent?

Broader Implications

Relationship between rights provisions and flows?

Relationship between rights and integration?

Checks to fulfill SDG 10.7: to facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies.

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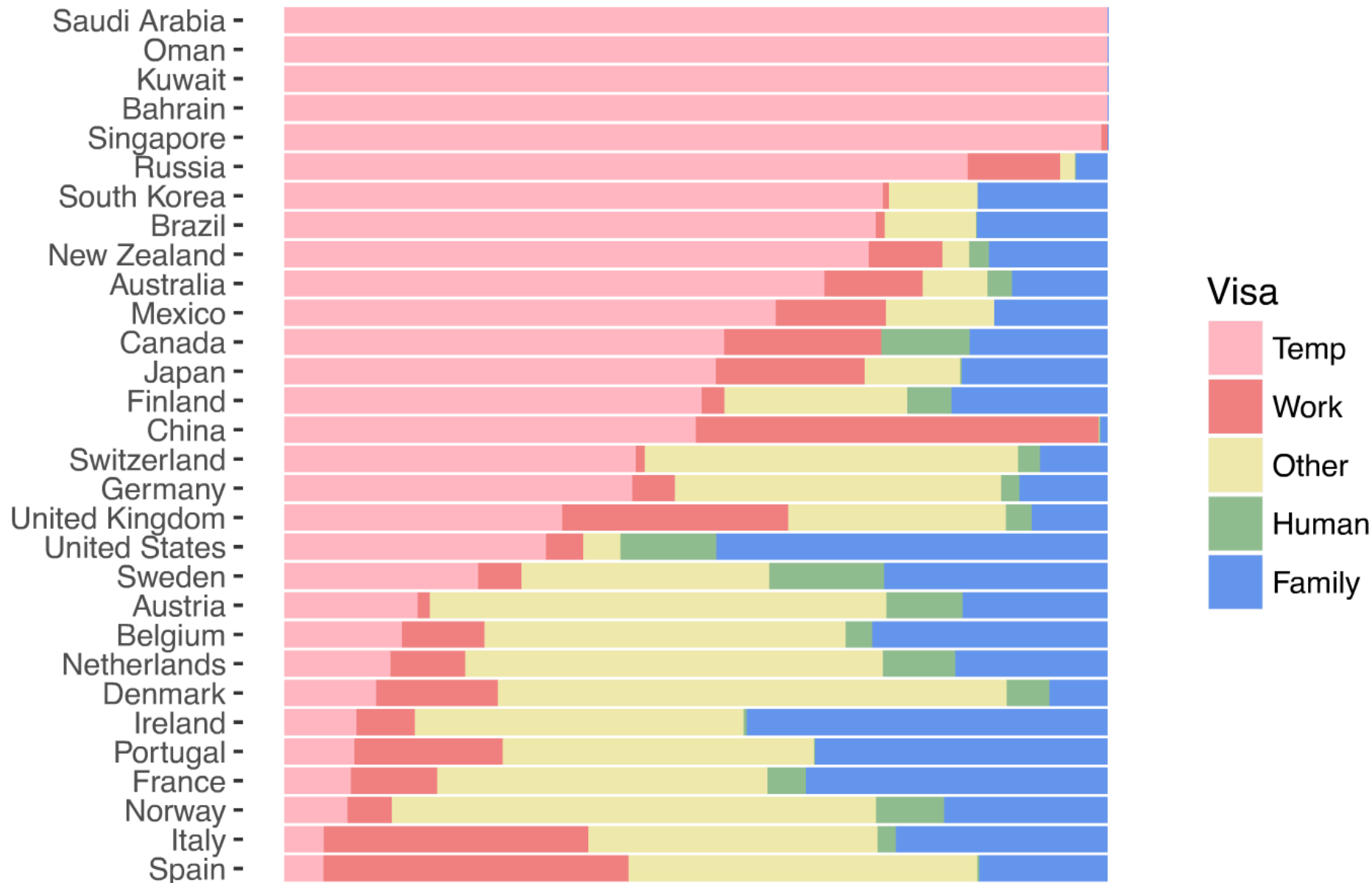
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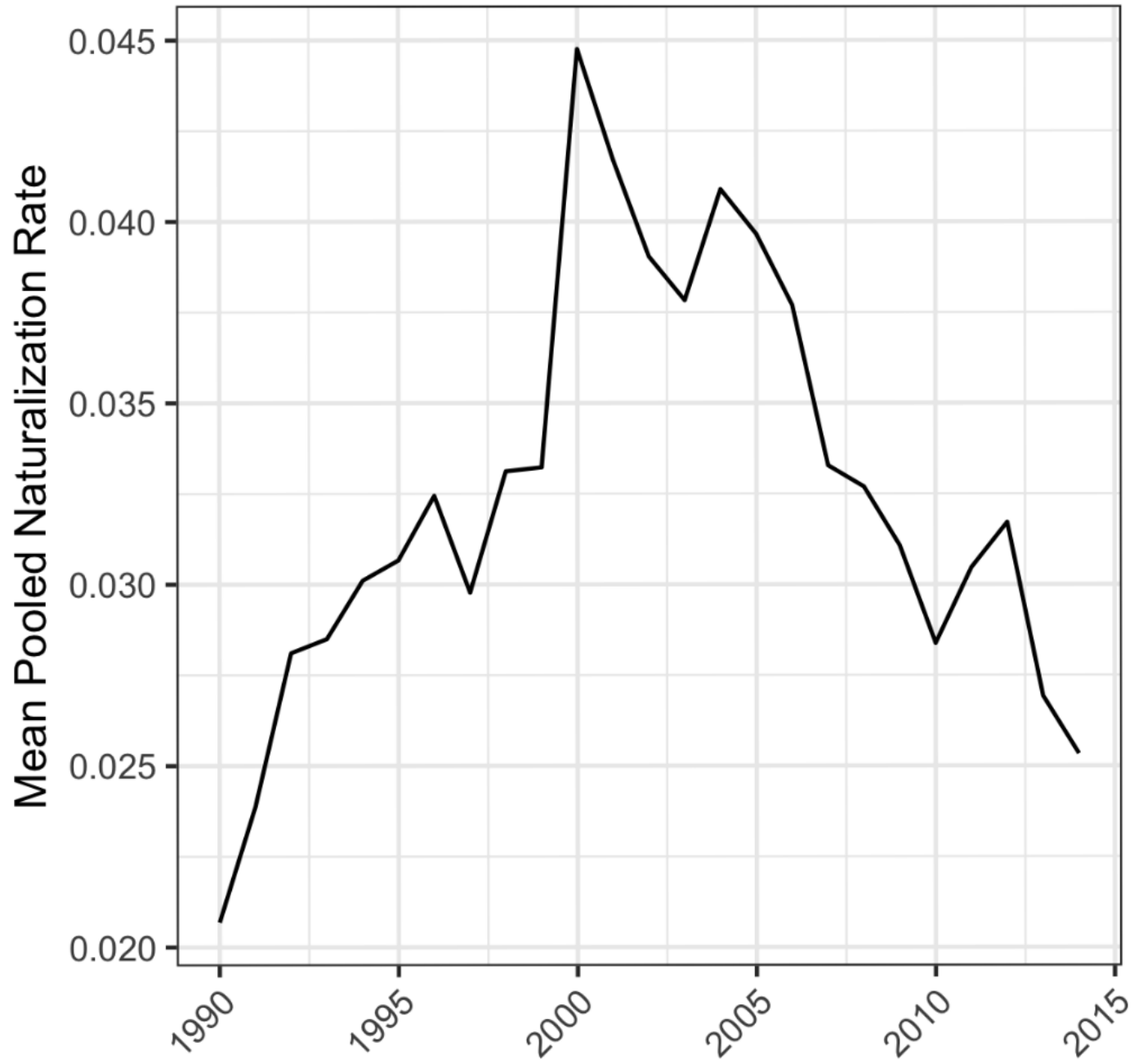
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CROSSROADS

COMPARATIVE IMMIGRATION REGIMES IN A WORLD OF
DEMOGRAPHIC CHANGE

CROSSROADS.EARTH

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